IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA)				
	Plaintiff,) 8:06CR192)		
	vs.) DETENTION ORDER		
M <i>A</i>	AURICE HOLBERT,))		
	Defendant.))		
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on June 30, 2006, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.			
C.	grams of "crack" cocaine i a minimum sentence of five forty years imprisonment. (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a lar	s Report, and includes the following: e offense charged: on with intent to distribute in excess of 5 n violation of 21 U.S.C. § 841(a)(1) carries we years imprisonment and a maximum of violence. arcotic drug. ge amount of controlled substances, to wit:		
	may affect wheth The defendant hat The defendant hat The defendant hat The defendant is The defendant of ties. Past conduct of to X The defendant hat	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community the defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at s.		

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		Release pending trial, sentence, appeal or completion of sentence.
	(c)	Other Factors: The defendant is an illegal alien and is subject to
	·	deportation.
	-	The defendant is a legal alien and will be subject to
		deportation if convicted The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal. Other:
V	(4) The no	ature and cariouspage of the danger paged by the defendant's
<u>X</u>	release defend in Unite	ature and seriousness of the danger posed by the defendant's are as follows: The nature of the charges in the Indictment, the ant's prior criminal history, and the current sentence to confinement ed States v. Holbert, D. Neb. 8:05CR290 imposed by Judge Smith on June 5, 2006.
Χ	(5) Rebutt	able Presumptions
	In deter	rmining that the defendant should be detained, the Court also relied following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:
		That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that the crime involves:
		(1) A crime of violence; or
	- -	(2) An offense for which the maximum penalty is life
		imprisonment or death; or
	-	X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two
	-	or more prior offenses described in (1) through (3)
		above, <u>and</u> the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which
		is less than five years old and which was committed while the defendant was on pretrial release.
	X (b)	That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
	•	cause to believe:
	-	 X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of
		10 years or more.
	_	(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: June 30, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge